

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

RICARDO FONSECA,

Defendant.

CASE NO. 8:04CR451

ORDER

This matter is before the Court on the Plaintiff's motion to continue sentencing (Filing No. 58) until the acceptance of a third party's plea that will be taken on September 29, 2005.

The motion assumes that the third party's plea will be accepted on September 29, 2005. However, as the plea will be taken by a magistrate judge a report and recommendation must issue. The report and recommendation, if filed on September 29, 2005, would not be ripe for decision until October 18, 2005. And the Court's ability to rule on October 18, 2005, assumes the availability of a transcript of the plea hearing. For these reasons, the motion will be denied.

IT IS ORDERED that the Plaintiff's motion to continue sentencing (Filing No. 58) is denied.

DATED this 23rd day of August, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge